

FILED

MAY 18 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 14-90144

ORDER

THOMAS, Chief Judge:

Complainant, an attorney and pro se litigant, alleges that a magistrate judge had improper ex parte communications with a non-party's counsel. A review of the record shows that the non-party's counsel did contact chambers regarding subpoenaed phone records. However, the judge informed counsel that such contact was inappropriate and instructed counsel to file a formal response to the subpoena. The judge acknowledged these communications and granted complainant's motion to strike ex parte communications to the extent necessary. Complainant offers no objectively verifiable evidence that the judge "initiat[ed], permit[ted], or consider[ed] ex parte communications," (see Code of Conduct for United States Judges, Canon 3(A)(4)), and accordingly this charge is dismissed for lack of evidence. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that she believes the subject judge has a “strong prejudice” against her. However, adverse rulings alone are not proof of bias, and complainant provides no objectively verifiable evidence to support these allegations, which must be dismissed. Id.

DISMISSED.